

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB Docket No. 05-
311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

COMMENTS OF *Naval Media Center*
United States Department of the Navy

These Comments are submitted by Naval Media Center, which oversees cable TV policy for Navy and Marine Corps installations as authorized under OPNAV Instruction 5430.48D. Naval Media Center believes that cable systems on military bases are Federal in nature, have unique characteristics and needs, and should be exempt from any state-level administration of franchises.

Overview

The Naval Media Center has been assisting bases with franchise agreements and renewals for more than 20 years. Approximately 100 Naval installations in the US are served by 75 franchise agreements, serving a population of 400,000 Navy and Marine Corps personnel and their families. While Navy franchises serve large populations in the San Diego and Norfolk regions, more than 30 of our franchise agreements serve installations of less than 1,000 subscribers. The proposed rules do not appear to contemplate the needs of these smaller systems.

The Navy franchise agreement is based on the Telecommunications Act of 1984 as amended and incorporates by reference pertinent FCC Rules and Regulations. Franchise agreements are negotiated at the Base or installation level, generally for a 10-year period. Currently base Commanding Officers have agreements with a variety of large and small cable service providers including but not limited to: Comcast, Verizon, Time-Warner, Adelphia, Cox, US Cable, Americable and Galaxy.

1. Unique Status and Access Requirements

Under Federal law, US Naval and Marine Corps cable TV franchise agreements function as Federal contracts between a Base (operating as the local franchising authority) and a cable operator. The rights-of-way on Naval and Marine Corps Bases are Federal property. Security on military installations is a high priority; since 9/11 all new franchise agreements require cable TV providers and their personnel to comply with strict security regulations regarding individual personnel background checks, picture identification, work status information and vehicular registration. For these reasons, it is imperative that franchising authority for naval bases remain with the base Commanding Officer rather than being delegated to a state entity.

2. Navy Not A Barrier To Competitive Cable Systems

Naval bases welcome competition and multiple franchises as long as similar terms and conditions are required of all. In 2005 Naval Region San Diego issued a preliminary solicitation for a second franchise but received no responses. Since franchise agreement approval and authority rests with the Base's Commanding Officer, the cable TV franchise negotiation process is very flexible and streamlined to fit the needs of each installation. Additional franchises have been reviewed and negotiated in an expeditious manner. For example, in April 2005 the Marine Corps Base in Quantico, Virginia (served by Comcast for 20 years) awarded a second franchise agreement to Verizon within an eight week negotiation period.

Summary

The current regulatory scheme succeeds in meeting the unique needs of naval installations, particularly those with fewer than 1,000 subscribers, without prohibiting or unduly delaying competition. If another scheme is to be considered we respectfully request the Commission to ensure that naval reservations be excluded and that requirements for construction standards, government access channels, customer service, density and in general, equitable provisions, are preserved.

Respectfully submitted,

Douglas N. Bourne

Cable TV Operations Specialist
Naval Media Center
2713 Mitscher Road, SW
Washington, DC 20373-5819

cc:

John Norton, John.Norton@fcc.gov
Andrew Long, Andrew.Long@fcc.gov